

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROSEBUD LMS, INC.,
d/b/a ROSEBUD PLM,

Plaintiff,

v.

ADOBE SYSTEMS INCORPORATED,

Defendant.

Case No. 12-1141-SLR

JURY TRIAL DEMANDED

DECLARATION OF DEMETRIOS ANAIPAKOS

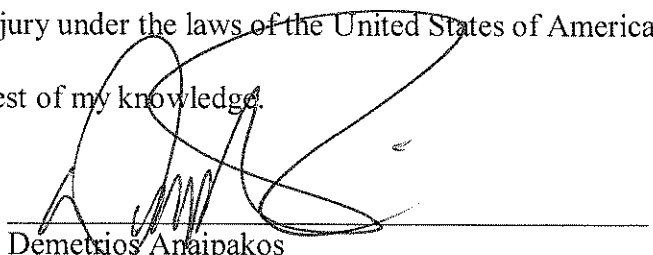
I, Demetrios Anaipakos, declare as follows:

1. I spoke with Michael A. Berta and Maulik G. Shah, counsel for Adobe, via teleconference on April 5, 2013.
2. During the teleconference, I requested that counsel for Adobe identify what, if any, discovery they needed from Rosebud. I repeated this in e-mail communications to Adobe's counsel.
3. In response to my request, counsel for Adobe requested only one thing: claim charts.
4. On April 17, 2013, Rosebud served claim charts on counsel for Adobe.
5. Counsel for Adobe has made no other discovery requests of Rosebud.
6. Until the filing of Adobe's Motion to Dismiss, on September 4, 2013, counsel for Adobe never raised with Rosebud any of the issues that it now raises in its "failure-to-prosecute" claim of the Motion to Dismiss.
7. Adobe was originally represented in this matter by Latham and Watkins. I also had direct and e-mail communication with Adobe's counsel at Latham and Watkins in which I repeatedly requested that Adobe identify any discovery it needed from Rosebud. Despite these requests, Adobe's counsel never identified any discovery that Adobe needed. Indeed, I was told by them that Adobe had a long history with

Rosebud, including in litigation, and understood the case so well that a lack of formal discovery would not inhibit efforts to resolve the dispute amicably.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

DATED: September 30 2013



Demetrios Anaipakos